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97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-711

COMPLETED

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE CERTAIN RESTRICTIONS CONTAINED IN A PREVIOUS CONVEYANCE OF LAND TO THE STATE OF FLORIDA AND TO ALLOW THE STATE OF FLORIDA TO PURCHASE THE MINERAL INTERESTS OF THE UNITED STATES IN SUCH LAND

AUGUST 10, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 5627]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5627) to direct the Secretary of the Interior to release certain restrictions contained in a previous conveyance of land to the State of Florida and to allow the State of Florida to purchase the mineral interests of the United States in such land, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. (a) with respect to the land described in section 2, the right of reverter and the reserved mineral interests held by the United States in such land are hereby conveyed, without warranty, to the State of Florida for the purpose of allowing the State of Florida to exchange such lands for privately owned lands, such conveyance to the State of Florida to be contingent and effective upon the conveyance to the United States of marketable title to the land described in section 3, in fee simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior.

(b) Immediately upon receipt by the United States of title to the land described in section 3, the Secretary of the Interior shall convey, without warranty, the land described in section 3 to the State of Florida. The document of conveyance shall:

(1) reserve to the United States all mineral deposits found at any time in the land and the right to prospect for, mine and remove the same; and

(2) provide that the land shall revert to the United States upon a finding by the Secretary of the Interior that for a period of 5 consecutive years such land has not been used by the State of Florida for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.

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SEC. 2. The land referred to in section 1(a) is approximately 0.69 of an acre of land, presently encroached upon by the adjoining landowners or occupants, within an area generally described as lot 2, southwest quarter southwest quarter section 15, township 4 south, range 15 west, Tallahassee meridian, Florida. Part of the tract was included in the land conveyed by the United States to the State of Florida on May 10, 1954, by patent numbered 1144377, and part was included in the land conveyed by the United States to the Florida Board of Forestry and Parks (presently named the Florida Department of Natural Resources) on July 26, 1948, by patent numbered 1123723.

SEC. 3. The land to be received in exchange for the land described in section 2 consists of approximately 1.10 acres of land located in a tract generally described as section 16, township 4 south, range 15 west, Tallahassee meridian, Florida, and more particularly described as follows: Begin at the intersection of the South right of way line of Thomas Drive (State Road No. 392) and the East line of Section 16, Township 4 South, Range 15 West, Bay County, Florida. Thence South 0°31'37" West along the East line of said Section 16 for 468.20 feet to the South line of said Section 16; thence North 89°28'23" West along said South line of Section 16 for 205 feet; thence North 24°10'23" East for 511.11 feet to the Point of Beginning, containing 1.10 acres more or less.

SEC. 4. The State of Florida shall pay promptly to the Secretary of the Interior, any and all costs, including administrative overhead, that may be incurred by the United States in connection with the transactions authorized under section 1 of this Act.

Amend the title so as to read:

To provide for the release of certain restrictions on the conveyance of certain lands conveyed to the State of Florida and for other purposes.

PURPOSE

This bill [1] would facilitate an exchange of certain lands in Florida so as to remove a cloud from the titles of a number of private owners of properties adjoining a State recreation area.

BACKGROUND AND NEED

H.R. 5627 deals with the St. Andrews State Recreation Area, Panama City, Florida. The surface estate in this recreation area was transferred to the State of Florida by the United States, but th Uni'ed States reserved the mineral interests and retained a reversionary interest in the surface to ensure that the surface will be used only for park or recreational purposes.

Recently, a tract of land adjacent to the state recreation area has been developed for a number of condominium residences. Through an apparent surveying error, the condominium development encroached upon the state recreation area. The encroachment area, which is divided among a number of individual condominium units, totals slightly less than 0.7 acre.

The developer of the condominiums desires to correct the problem caused by this encroachment through a land exchange, by transferring a shoreline tract of land to the State for inclusion in the recreation area. The shoreline area is larger than the total area of the encroachment. The proposal is agreeable to the State; however, the exchange cannot be consummated unless the United States releases its reversionary interest in the surface of the encroachment area and also transfers to the State the mineral interests in that area. This would be accomplished by this legislation.

[1] H.R. 5627 was introduced by Representative Hutto.

THE COMMITTEE AMENDMENT

The Subcommittee on Public Lands and National Parks held a hearing on this bill on May 21, 1982. The spokesman for the Administration testified that it has no objection to enactment of the bill, if amended to assure that the lands which the State of Florida will receive in the exchange will be subject to the same terms and conditions, including a reversionary interest of the United States, as the lands from which the United States will release its interests. On July 21, the Department of the Interior forwarded its report on the bill, which recommended a substitute text for the bill. The Committee amendment adopts this recommended text. The report follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 21, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 5627, a bill "To release certain restrictions contained in a previous conveyance of land to the State of Florida and for other purposes."

We would have no objection to enactment of H.R. 5627 if it is revised in accordance with the enclosed substitute bill.

H.R. 5627 would direct the Secretary of the Interior to release the reverter provisions on approximately 0.69 of an acre of land conveyed as part of a patent to the State of Florida and of a patent to the Florida Board of Forestry and Parks, and, upon application by the State of Florida, to convey to the State at fair market value, the mineral interests of such lands. The State would also be required to pay all administrative costs associated with the conveyances.

The State-owned lands described in the bill are part of two parcels of land conveyed to the State of Florida by the United States under the Recreation and Public Purposes Act, through two patents issued July 26, 1948. The patents provide that title to the land shall revert to the United States upon a finding by the Secretary of the Interior that the land has not been used for park or recreational purposes for a period of five years or that the land, or any part thereof, is being diverted to other use. The land now comprises a part of the St. Andrews State Recreation Area.

We have been advised that an adjacent landowner has inadvertently encroached upon approximately 13 feet or 0.69 of an acre within the west boundary of the Recreation Area. To rectify this, Venture Out offered to give the State 1.10 acres of its land adjacent to the Park in exchange for the 0.69 of an acre. The State agreed to this proposal, but the exchange and conveyance cannot be completed due to the reverter provisions in the patent. The Secretary of the Interior does not have the authority to waive those provisions as requested by the State.

We recognize that there is a need for relief in this situation, and we support the intent of H.R. 5627. However, the unconditional conveyance to the State of the surface estate of the 0.69 of an acre, through release of the reverter clause, is contrary to the purpose for which the

lands were patented to the State and to the Administration's policy of requiring the payment of fair market value whenever a Federal interest in land is disposed of or otherwise released.

The enclosed substitute bill will provide the relief needed in this situation. The bill will automatically extinguish and grant to the State of Florida the right of reverter and the reserved mineral interest of the United States in the 0.69 acre tract, contingent and effective upon the simultaneous conveyance to the United States of the 1.10 acres currently held by Venture Out.

Immediately upon receipt by the United States of title to the 1.10 acres, the Secretary of the Interior shall convey, by patent, such land to the State of Florida. The mineral reservation and reverter provisions contained in the previous patents shall be included in the documents of conveyance.

The conveyances described in the bill will allow the exchange by the State of Florida of land currently subject to the reverter provision. The position of the United States will be unchanged by this conveyance since the new 1.10 acres will be subject to a reservation of minerals and a right of reverter.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

Enclosure.

A BILL To release certain restrictions contained in a previous conveyance of land to the State of Florida and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) with respect to the land described in section 2, the right of reverter and the reserved mineral interests held by the United States in such land are hereby conveyed, without warranty, to the State of Florida for the purpose of allowing the State of Florida to exchange such lands for privately owned lands, such conveyance to the State of Florida to be contingent and effective upon the conveyance to the United States of marketable title to the land described in section 3, in free simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior.

(b) Immediately upon receipt by the United States of title to the land described in section 3, the Secretary of the Interior shall convey, without warranty, the land described in section 3 to the State of Florida. The document of conveyance shall:

(1) reserve to the United States all mineral deposite found at any time in the land and the right to prospect for, mine and remove the same; and

(2) provide that the land shall revert to the United States upon a finding by the Secretary of the Interior that for a period of 5 consecutive years such land has

not been used by the State of Florida for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.

SEC. 2. The land referred to in section 1(a) is approximately 0.69 of an acre of land, presently encroached upon by the adjoining landowners or occupants, within an area generally dscribed as lot 2, southwest quarter southwest quarter section 15, township 4 south, range 15 west, Tallahassee meridian, Florida. Part of the tract was included in the land conveyed by the United States to the State of Florida on May 10, 1954, by patent numbered 1144377, and part was included in the land conveyed by the United States to the Florida Board of Forestry and Parks (presently named the Florida Department of Natural Resources) on July 26, 1948, by patent numbered 1123723.

SEC. 3. The land to be received in exchange for the land described in section 2 consists of approximately 1.10 acres of land located in a tract generally described as section 16, township 4 south, range 15 west, Tallahassee meridian, Florida, and as shown on a plate of survey, dated_____, made by _____, a surveyor licensed under the laws of Florida, filed in _____ and_____ of the land records of the County of _____, State of Florida.

SEC. 4. The State of Florida shall pay promptly to the Secretary of the Interior, any and all costs, including administrative overhead, that may be incurred by the United States in connection with the transactions authorized under section 1 of this Act.

SECTION-BY-SECTION ANALYSIS

The Committee amendment substitutes an entirely new text, with the following provisions:

Section 1, subsection (a), provides for conveyance to the State of Florida of the right of reverter and reserved mineral interests of the United States in the lands described in section 2, contingent upon the conveyance to the United States of marketable title to the lands described in section 3. Subsection (b) provides for the conveyance of the lands described in section 3 to the State of Florida as soon as title thereto is received by the United States, subject to a reservation of the mineral interests and also subject to reversion to the United States upon a finding by the Secretary of the Interior that the State has failed to use the lands for park or recreational purposes or is using any portion of them for any other uses.

Section 2 describes the 0.69 acre parcel presently encroached upon by the condominium development which is to be transferred to the private owners upon the release of the federal reversionary and mineral interests.

Section 3 describes the 1.10 acre parcel which is to be transferred to the State and included in the recreation area in exchange for the lands described in section 2.

Section 4 requires the State of Florida to reimburse the Secretary for the costs incurred by the United States in connection with the implementation of section 1.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs will have continuing responsibility for oversight of the implementation of H.R. 5627, if enacted. No Reports were received pursuant to Rule X Clause 2(b) of the Rules of the House of Representatives.

INFLATIONARY IMPACT

Pursuant to Rule XI, Clause 2(1)(4) of the Rules of the House of Representatives, the Committee states its belief that enactment of H.R. 5627, as amended, will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

H.R. 5627 authorizes no appropriations, and provides for reimbursement to the United States of the administrative costs of its implementation. The analysis of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 9, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 5627, a bill to direct the Secretary of the Interior to release certain restrictions contained in a previous conveyance of land to the State of Florida and to allow the State of Florida to purchase the mineral interests of the United States in such land, as ordered reported by the House Committee on Interior and Insular Affairs, August 4, 1982.

This bill removes restrictions on the use and transfer of approximately 0.7 acres of land in Florida and conveys all mineral interests in these lands to the State of Florida in order to allow a land exchange between the state and private landholders. Under the provisions of the bill the restrictions on the land currently held by the state are to be placed on the land to be received in the exchange. The bill makes provisions for intermediary conveyance of land to the federal government but specifies that all administrative costs of the exchange are to be borne by the state.

Based on this review, it appears that no additional cost to the federal government will be incurred as a result of this legislation.

Sincerely,

ALICE M. RIVLIN,
Director.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

The Subcommittee on Public Lands and National Parks held a hearing on H.R. 5627 on May 21, 1982 and on June 7, 1982 ordered it favorably referred to the full Committee after adopting an amendment in the nature of a substitute. On August 4, 1982, the Committee on Interior and Insular Affairs adopted the amendment in the nature of a substitute and ordered the bill, as so amended, favorably reported to the House by voice vote.

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